

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION**

JANICE MARIE KENT,

Plaintiff,

vs.

MBNA AMERICA BANK, N.A.,
WOLPOFF & ABRAMSON, L.L.P.,
RONALD M. ABRAMSON, ESQ.,
and JANE DOE.

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:06-CV-216 PGC

Before the court is the Report and Recommendation issued by United States Magistrate Judge Brooke C. Wells on June 30, 2006, recommending that defendant's motion to dismiss [#4] be granted because plaintiff has failed to properly serve defendants and failed to state a claim upon which relief can be granted [#9]. Plaintiff Janice Marie Kent has also filed a motion to dismiss without prejudice her complaint [#10].

The parties have been properly notified of their right to object to the Report and Recommendation and that they must file any objections with the clerk of the court by June 19, 2006, pursuant to 28 U.S.C. § 636(b). The court has received no objections from the plaintiff, but has received a voluntary motion to dismiss without prejudice [#10]. The court has also received defendants' response to Ms. Kent's motion to dismiss and has taken all of these filings into

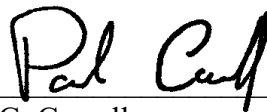
consideration during its decision.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the court ADOPTS the Report and Recommendation and grants defendant's motion to dismiss [#4]. The court also DENIES AS MOOT Ms. Kent's motion to voluntarily dismiss without prejudice [#10].

Accordingly, this case is DISMISSED with prejudice in its entirety. The clerk of the court is directed to enter judgment accordingly, with each party to bear its own fees and costs. The clerk's office is directed to close this case.

DATED this 25th day of July, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge